

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION
NO. 05-10363-GAO

ONE BEACON AMERICA INSURANCE COMPANY,
Plaintiff

v.

CROSBY YACHT YARD, INC.,
Defendant.

AFFIDAVIT IN SUPPORT
OF MOTION TO CONSOLIDATE

Robert E. Collins, being duly sworn, deposes and says:

1. I represent the plaintiff in the above entitled case.

2. Said action was brought on February 22, 2005.

3. On the 25th day of October, 2004. Civil Action Number 04cv12244-GAO was filed by the plaintiff, Standard Fire Insurance Company, against the same defendants.

4. On the 25th day of October, 2004, Civil Action Number 04cv12252-GAO was filed by Plaintiff, Ace American Ins. Co. against the same defendants and has been consolidated with the action herein.

5. Each of the above entitled actions is now pending in this Court.

6. Each of said actions arose out of the same fire that is alleged to have occurred on the defendant's premises.

7. The issues in the said actions arose out of the same transactions and are based upon the same facts, in that all of the plaintiffs are insurers seeking recovery of moneys paid to their insureds and boat owners seeking recovery of their deductibles, for damages as a result of the fire, which fire is alleged to have occurred on the premises of the defendant, and to have been caused by, *inter alia*, the negligence of the defendant.

7. Each of said actions involves a common question of law and facts.

8. Considerable time and expense will be saved by the consolidation of the two actions.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 2ND DAY OF SEPTEMBER, 2005.

"/s/Robert E. Collins"
Robert E. Collins
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